

## SEWER SYSTEM ACROSS FORT DE RUSSY RESERVATION.

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JANUARY 7, 1921.—Referred to the House Calendar and ordered to be printed.

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Mr. HULL of Iowa, from the Committee on Military Affairs, submitted the following

### REPORT.

[To accompany S. 4572.]

The Committee on Military Affairs, to whom was referred the bill (S. 4572) granting to the city and county of Honolulu, Territory of Hawaii, a right of way over and across the Fort De Russy Military Reservation for the purpose of extending its sewer system, having considered the same, report thereon with a recommendation that it do pass.

In support of the measure a letter from the Secretary of War, Hon. Newton D. Baker, is hereby inserted and made a part of this report.

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WAR DEPARTMENT,  
Washington, December 4, 1920.

THE CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,  
*House of Representatives.*

SIR: The city and county of Honolulu have formulated plans to construct a new sewer system for the city of Honolulu, and it is proposed to lay the main sewer through the Fort De Russy Military Reservation and to erect thereon a booster station. The sewer as planned will be of concrete and 20 inches in diameter, the grade 0.10 per cent, and capacity 3.0 M. G. in 24 hours. The land required for the booster station will be approximately 12 by 40 feet. Both the sewer pipe and booster station will be placed underground.

The Honolulu Chamber of Commerce has indorsed the proposed sewer project on the ground that it will be of public benefit and also necessary to take care of the increase in population in the district which will be served by the undertaking.

Final plans and specifications for the sewer and booster station will be subject to the approval of the War Department.

The city and county of Honolulu originally requested a revocable license for the construction of the sewer and of the booster station. However, the matter was referred to the Judge Advocate General and he expressed the opinion that inasmuch as the request was not for mere temporary occupancy of the reser-

vation, but was a request to construct and maintain on and across the reservation an improvement of a permanent character, the occupancy was of a character that was clearly inconsistent with the nature of a revocable license. He held, therefore, that inasmuch as the proposed right of way across the reservation is not properly subject to grant by revocable license, there is no law authorizing the Secretary of War to grant such a right of way, and that on that account the application would have to be denied.

It becomes necessary, then, for the War Department to request that appropriate legislation be enacted to authorize this grant. It is believed that the inclosed bill will meet the requirements of the city and county of Honolulu and at the same time properly protect the interests of the Government.

I earnestly recommend that this bill be passed at this session of Congress.

Respectfully,

NEWTON D. BAKER, *Secretary of War.*

